

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:24-CR-00001-DGK-01
)	
JOSHUA DAVILA,)	
)	
Defendant.)	

**ORDER ADOPTING THE MAGISTRATE’S REPORT AND RECOMMENDATION
DENYING DEFENDANT’S MOTION TO DISMISS**

Now before the Court is Defendant’s motion to dismiss the indictment because he believes the felon in possession of a firearm statute—18 U.S.C. § 922(g)(1)—is unconstitutional. ECF No. 25. Also before the Court are Magistrate Judge Lajuana M. Counts’ Report and Recommendation that the motion be denied because the statute is constitutional, ECF No. 29, and Defendant’s objections to the report and recommendation, ECF No. 33. Defendant argues that the felon in possession of a firearm statute violates the Second and Fifth Amendments, and the Magistrate Judge erred in concluding otherwise. ECF No. 33.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1, the Court agrees with the Magistrate’s holding that the motion should be denied for the reasons stated in the Report and Recommendation. Accordingly, the Court ADOPTS the Report and Recommendation and DENIES Defendant’s motion to dismiss.

IT IS SO ORDERED.

Date: September 25, 2024

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT